1951.

File No. Registration II/51 (R)
Legal Department
B **BRANCH**

Subject:—

Rules under the Indian Registration Act

P=3
L

1908

File No. Registration II/51(R)

Gen. 191 e.

59-B

Office of the R. L.A.

Even though Government is agreeable to establish office of Joint Sub-Registrars in certain 24 registration sub-districts the date of their actual appointments was not agreed upon as certain forms of Registrar of Awards prescribed under the Bombay Agricultural Debtors Relief Act, 1947, were not ready. The Inspector General of Registration was to fix the appropriate date in each case on receipt of forms in each District. It is stated however in R.D. papers that all necessary forms have been supplied by the Press. In that case the accompanying notification may issue. If, however, it is found inconvenient to have a uniform date of appointments the alternative notification may issue.

Sd/ J.R.Dhurandhar. 17/3

Remembrancer of Legal Affairs.

U.R. to R.D. No. 4419, dated the 17th March 1951.

VGP. 6-7-56.

12/7
R.S.R.
12/7

A revised draft notification in place of the R.D. draft at pages 37-39 ante is sent herewith.

2. The R.L.A. is requested to advise whether the view taken by the Inspector General of Registration in para, 3 of his letter at page 35 is correct. The view taken by the Inspector General of Registration in para 3 of his letter is not correct. The identity of an executant can be established under the existing rule 49(4) by the Sub Registrar's personal acquaintance with the executant or with one of the witnesses produced by the executant or by examining any two witnesses produced by the exetutant It is now proposed by Government to introduce a further method of identification that of requiring the e xecutan and his witness (where both are not personally acquainted with the Sub-Registrar) to declare on oath that he is the person who has executed the dicument. As the false declaration is punishable under section 82, the view taken by the Inspector General of Registration that under the new procedure the responsibility of identity has been shifted from the Sub-Registrar to the executant and his witness is not correct. Under section 34(b) of the Act it is the Sub-Registrar who has to satisfy himself as to the identity of person appearing before him and there is nothing wrong in the proposed procedure if by this procedure he can satisfy himself as to the identity of an executant.

Sd.J.R.Dhurandhar.
10/11

Remembrancer of Legal Affairs.

U.R. to R.D. No. 17881, dated the 12th November 1951.

VGP. 6-7-56.

 Office of the R.L.A.

A revised draft notification in place of the two R.D. draft notifications at pages 39-41 ante is sent herewith.

2. Ordinarily no retrospective effect can be given to an amendment of a notification unless the Act allows it. Since in the present case, the amendment will be in favour of the subject as against Government, the proposal to give retrospective effect to the proposed notification is in order.

Sd/ J.R.Dhurandhar.
16/11

Remembrancer of Legal Affairs.

U.R. to R.D. No. 17898, dated the 12th November 1951.

VGP. 6-7-56.